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OFFICE OF PETITIONS

ExxonMobil Upstream Research Company
P.O. Box 2189
Houston, TX 77252-2189

In re Application of

Varadaraj, et al.

Application No. 09/819,332

Filed: March 28, 2001

Attorney Docket No. PM 98.079

DECISION ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 or in the Alternative Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)."

The petition to withdraw the holding of abandonment is granted.

The petition under 37 CFR 1.137(b) is moot.

This application was held abandoned on August 16, 2001, after no reply was received to the Notice of Missing Parts of Nonprovisional Application mailed June 15, 2001. The notice set forth a shortened period for reply of two months from its mailing date and required the submission of an oath or declaration and a surcharge of \$130.00. No response was belated to have been received and a Notice of Abandonment was mailed on November 3, 2003. The instant petition was filed on November 7, 2003, in which petitioner maintains that a timely response was filed to the June 15, 2001, notice. The petition was accompanied by an Office date stamped postcard that acknowledged receipt of an oath or declaration and surcharge on June 23, 2001.

As the Office has acknowledged having received the reply to the June 15, 2001, notice, the holding of abandonment was improperly imposed and is withdrawn. The petition under 37 CFR

1.137(b) is rendered moot by this decision as there is no remedy that can be provided pursuant to 37 CFR 1.137(b) in light of the withdrawal of the holding of abandonment.

Deposit account 05-1328 will be refunded \$1,330.00 for the fee for the petition under 37 CFR 1.137(b).

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

A handwritten signature in cursive script, reading "Kenya A. McLaughlin".

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions